GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:792
ANSWERED ON:03.12.2015
Setting up of New Courts
Biju Shri Parayamparanbil Kuttappan;Meena Shri Arjunlal;Naik Prof. Seetaram Ajmeera;Nath Shri Chand;Rathore Shri Hariom Singh;Sampath Shri Anirudhan

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government has assessed the adequacy of courts particularly higher courts vis-a-vis population in the country;
(b) if so, the details thereof and if not, the steps taken/being taken by the Government to increase the number of higher courts in proportion to the population in the country;
(c) whether the Government has received proposals from various quarters for setting up of Benches of Supreme Court and High Courts including separate High Courts in various parts of the country; and
(d) if so, the details and the present status thereof, State/UT-wise including Andhra Pradesh and Telangana?

Answer

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)
(a) to (d) : The Supreme Court and High Courts are established as per Article 130 and 214 of the Constitution of India respectively and not on the basis of population of the country.
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In accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P.(C) No. 379 of 2000, Bench(es) of the High Court are established after due consideration of a complete proposal from the State Government, which is to provide infrastructure and meet the expenditure, along with the consent of the Chief Justice of the concerned High Court, which is required to look after the day to day administration of the High Court and its Bench. The proposal should also have the consent of the Governor of the concerned State.
Requests for establishment of High Court Benches in different parts of the country have been received from various sources including some State Governments. However, at present there is no proposal complete in all aspects pending for consideration by the Central Government.
The Andhra Pradesh Reorganisation Act, 2014, provides for setting up of a separate High Court for the State of Andhra Pradesh. The Act also provide that once separate High Court for the State of Andhra Pradesh is established the existing High Court will go to the State of Telangana. However, separate High Court for the State of Andhra Pradesh could not be established yet as the State Government has not yet complete all the necessary infrastructure for setting up of a separate High Court.